



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/802,674	03/09/2001	Macinetal.	DEX-0142

EXAMINER	
Amtharris, Ph.D.	
ART UNIT	PAPER NUMBER
1642	16

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

- (1) Alana M. Harris (3) _____
(2) Kathleen A. Tyrrell (4) _____

Date of Interview 10/8 & 9/2003

Type: ☒ Telephonic ☐ Televideo Conference ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☐ No If yes, brief description: _____

Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: 1

Identification of prior art discussed: US 2003/0109690A (6/12/2003)

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner spoke w/App. representative, Ms. Tyrrell about possibly amending the language of claim 1 & a forthcoming art rejection. Ms. Tyrrell stated that the claim would not be further amended at this time & ~~the fact~~ that prosecution should proceed.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

Examiner Note: You must sign this form unless it is an attachment to another form.

Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

Except as otherwise provided, a complete written statement as to the substance of any interview, face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

§ 1.133 Interviews

(b) In every instance where reconsideration is requested, review of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. A copy of this statement must be filed with the Office. (35 U.S.C. 133)

§ 1.2. Business to be transacted in writing. All business with the Patent Office shall be transacted in writing. The Patent Office shall not be bound by any oral statement made by an applicant, attorney or agent, or by any oral statement made by an examiner, unless such statement is reduced to writing and filed in the Office. No attention will be given to any oral statement made by an applicant, attorney or agent, or by any oral statement made by an examiner, unless such statement is reduced to writing and filed in the Office.

The Patent Office shall not be bound by any oral statement made by an applicant, attorney or agent, or by any oral statement made by an examiner, unless such statement is reduced to writing and filed in the Office.

It is the responsibility of the applicant, the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates otherwise. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete a two-sheet record of interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, printing out typographical errors or unavoidable scribbles in Office actions or the like, or resulting in an examiner's amendment that fully sets forth the agreement are excluded from the interview recordation procedures below.

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. In a personal interview, the duplicate copy of the Form is returned to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone interview, the copy is mailed to the applicant's attorney or agent, or to the next official communication.

The Form provides for recordation of the following information:

- Application Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of an agreement or claims agreed to being drawn). (Agreements as to availability are tentative and do not restrict further action by the examiner to the contrary)
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present

The Form also contains a section for recording the appearance of the representative of the applicant.

It is desirable that the examiner and the applicant agree that the examiner will record the substance of the interview. When the examiner agrees to record the substance of the interview, the applicant should check the appropriate box on the Form or in an attachment to the Form. The examiner should check the appropriate box on the Form indicating the applicant has agreed to the recording of the substance of the interview. The examiner should also check the appropriate box on the Form indicating the applicant has agreed to the recording of the substance of the interview.

It should be noted, however, that the Interview Summary Form will not, by itself, provide for a complete and proper recordation of the substance of the interview unless it is supplemented by the applicant. The examiner should include, at the time of the interview, a copy of the Interview Summary Form in the application file.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or a demonstration conducted.
- 2) An identification of the claims discussed.
- 3) An identification of specific prior art discussed.
- 4) An identification of the principal proposed amendments of a substantial nature discussed. These are already described on the Interview Summary Form completed by the examiner.
- 5) A brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A brief statement of the general thrust of the arguments is sufficient. The identification of the arguments is sufficient if the general nature of the arguments is identified. The identification of the arguments is sufficient if the general nature of the arguments is identified. The identification of the arguments is sufficient if the general nature of the arguments is identified.
- 6) A general identification of any other matters discussed.
- 7) If appropriate, the general nature of the substance of the interview.

Examiners are expected to care for the Interview Summary Form in the application file. If the record is not complete or accurate, the examiner should advise the applicant of the deficiency in the record and request the applicant to complete the record. If the record is not complete or accurate, the examiner should advise the applicant of the deficiency in the record and request the applicant to complete the record.

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The Interview Summary Form is a two-sheet record of interview. It is to be filled out by the examiner and the applicant. The Interview Summary Form is a two-sheet record of interview. It is to be filled out by the examiner and the applicant. The Interview Summary Form is a two-sheet record of interview. It is to be filled out by the examiner and the applicant.